



## Child Development Home Complaint

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|---|-----------------------------|-------------------|
| Name of Provider<br>Amber Silva             | County<br>Pottawattamie ~78 |                   |
| Care Address<br>310 N. 40 <sup>th</sup> St. | City<br>Council Bluffs      | Zip Code<br>51503 |
| Mailing Address                             | City                        | Zip Code          |
| Phone<br>(712) 355-2764                     | Email                       |                   |

**Date of Complaint:** January 13, 2015

**Date of Visit:** February 9, 2015

- ☒ Scheduled      ☐ Unannounced      ☐ N/A  
☐ Non-Compliance with Regulations Found      ☐ Compliance with Regulations Found  
☐ N/A

### RECOMMENDATION FOR REGISTRATION:

- ☒ NO CHANGES to registration status recommended  
☐ REVOCATION of Registration

### CATEGORY OF CARE:

- ☒ Category A  
☐ Category B  
☐ Category C (with no co-provider)  
☐ Category C (with co-provider)

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### Summary of Complaint:

Field staff arrived to child care residence to complete an unannounced compliance check and found provider's son, Jr. age 12, at home alone with a child who appeared to be 2-3 years old. Jr. identified child's name and reported his mother had gone to pick up his brother from school. He did not know when she left or when she was returning. Field staff waited in car for provider to return. Provider returned to residence approximately 20 minutes later.

Provider went into home and came out with a child by the time field staff walked up to the home. Provider told field staff that the child in care was not registered in the child care and was in fact her nephew. Provider gave a different name for the small child than her son had provided. Provider reported she had a doctor's appointment and had to leave the residence. She stated there were no children in her care on this date due to the children not being brought to the child care. Provider stated she would be open the rest of the week and could complete compliance check at any other time during the week.

Field staff returned to the office and verified that provider had a 2 year old child in care matching the name provided by Jr. Field staff verified that the child's name the provider gave was not registered in her child care home in the system.

This writer staffed the concerns noted on 1/13/2015 with supervisor and it was agreed that a compliant check needed to be completed on the provider.

DHS compliance worker attempted to complete compliance check and review complaint check on 1/15/2015, 1/28/2015 (went by the home 2 separate times) and 1/30/2015.

On 1/15/2015 when field staff approached the home, the provider was in her van smoking a cigarette and reported she was closed on this date and did not have daycare children. This writer was unable to enter the home on this date. Provider did not bill for children on this date.

On 1/28/2015, field staff came by the home on two different occasions in the afternoon. There was a car in the drive but no one answered the door.

On 1/30/2015, field staff came by the home in the morning and there was a SUV in the drive but no one answered the door.

On 1/30/2015, field staff mailed letter to provider informing her of compliance check on Monday, February 9, 2015 between 9:00 AM – 11:30 AM and she needed to be present.

### **Rule Basis and Findings of Complaints:**

110.5(9)a Gives careful supervision at all times. Provider denies her 12 year old son was watching daycare children. She reported her nephew was in the home on 1/13/2015. On 2/9/2015, field staff inquired into why her son would give daycare child's name when asked who the child was and she would give another name. Ms. Silva stated her son misunderstood field staff question. Her son thought field staff asked what the names of the daycare children were. Ms. Silva stated "you can just write me up though". Field staff explained that the information she provided would be included in complaint check. Field staff pulled billing for the date in question and provider did not bill for the child her son reported was present. Provider reports her son was confused by DHS field staff question and failed to give correct information. The provider was found to be in compliance.

110.5(9)c Gives consistent, dependable care. Provider reports she is present when children are being cared for. She does not allow her own children or anyone else to provide cares to children. Provider did not bill for child in care on 1/13/2015 and reports her son was confused by DHS field staff question and failed to give correct information. The provider was found to be in compliance.

110.5(9)c Is capable of handling emergencies. Provider reports she is always present when children are in care in her home. Provider did not bill for child in care on 1/13/2015 and reports her son was confused by DHS field staff question and failed to give correct information. The provider was found to be in compliance.

110.5(9)d Is present at all times, except if emergencies occur or an absence is planned. Provider reports she is always present during child care hours and will close if there are any emergencies or doctor's visits planned. Provider reports that when she does not have children to care for she doesn't always stay at home during the day. Provider reported she does not leave children in her care with her children. Provider did not bill for child in care on 1/13/2015 and reports her son was confused by DHS field staff question and failed to give correct information. The provider was found to be in compliance.

110.5(9)d If absence is planned, care is provided by a DHS-approved substitute. Provider reported she does not have a substitute and closes when she has to be absent. Provider did not bill for child in care on 1/13/2015 and

reports her son was confused by DHS field staff question and failed to give correct information. The provider was found to be in compliance.

110.5(10)a All standards regarding supervision and care of children apply to substitutes. Provider does not have a substitute. Provider did not bill for child in care on 1/13/2015 and reports her son was confused by DHS field staff question and failed to give correct information. The provider was found to be in compliance.

110.5(10)b Except in emergency situations, the provider must inform parents in advance of the planned use of a substitute. Provider does not use a substitute and denied son was caring for child in her care. Provider did not bill for child in care on 1/13/2015 and reports her son was confused by DHS field staff question and failed to give correct information. The provider was found to be in compliance.

110.5(10)c The substitute must be 18 years of age or older. Provider does not use a substitute and denied son was caring for child in her care. Provider did not bill for child in care on 1/13/2015 and reports her son was confused by DHS field staff question and failed to give correct information. The provider was found to be in compliance.

**Resolution and Action Required:**

Field staff reviewed policy regarding substitutes with provider and encouraged provider to close or obtain a DHS approved substitute in the event of an emergency.

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| Consultant's Signature<br>Michelle Noddings | Date<br>February 9, 2015 |
| Supervisor's Signature<br>Anne Matthai      | Date<br>2/9/15           |